

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CITY OF CHICOPEE, Acting through the
Chicopee Public Schools,

Plaintiff,

v.

DAVID T. As Parent and next friend of
Kaitlyn T. and MASSACHUSETTS
DEPARTMENT OF EDUCATION,

Defendants.

CIVIL ACTION NO. 04-30087-MAP

**DEFENDANT MASSACHUSETTS DEPARTMENT OF EDUCATION'S MOTION
TO AMEND SCHEDULING ORDER TO ENLARGE, UNTIL SEPTEMBER 14, 2004,
TIME PERIOD WITHIN WHICH TO FILE OPPOSITION TO
PLAINTIFF'S MOTION FOR LEAVE TO OFFER ADDITIONAL EVIDENCE**

Defendant Massachusetts Department of Education -- by and through the Attorney General of the Commonwealth of Massachusetts, its counsel -- moves, with the assent of plaintiff City of Chicopee, Acting through the Chicopee Public Schools, pursuant to FED. R. CIV. P. 6(b)(1) and 16(b), that the Court amend the *Scheduling Order*, ¶ 2 (docket, paper no. 36) to enlarge, until September 14, 2004, the time period within which the Department may file its opposition to the plaintiff's motion for leave to offer additional evidence.

As grounds for this motion, the Department states that its undersigned counsel, who needs the enlargement, has most recently been conducting motion practice in a lengthy state Court case and the need for this enlargement could not have reasonably have been anticipated when the parties

appeared for the scheduling conference in this action. (A telephone message left yesterday evening for counsel of record for co-defendant David T. as parent and next friend of Kaitlyn T., has not yet been returned.)

CONCLUSION

Wherefore, the Department respectfully requests that this Court allow this motion.

By its attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

By: James S. Whitcomb
James S. Whitcomb
Assistant Attorney General
Western Massachusetts Division
1350 Main Street
Springfield, MA 01103-1629
(413) 784-1240, ext. 113 (telephone)
(413) 784-1244 (facsimile)
B.B.O. No. 557768

ASSENTED-TO:

CITY OF CHICOPEE, Acting through the
Chicopee Public Schools

By its attorney,

Claire L. Thompson / J.S.W.
Claire L. Thompson, Esquire
Doherty, Wallace, Pillsbury
& Murphy, P.C.
One Monarch Place
1414 Main Street, 19th Floor
Springfield, MA 01144
(413) 733-3111 (telephone no.)
(413) 734-3910 (facsimile no.)
B.B.O. No. 550262

DATED: September 3, 2004.

CERTIFICATE OF SERVICE

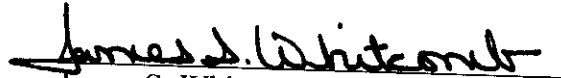
I, James S. Whitcomb, Assistant Attorney General, hereby certify that on this 3rd day of September 2004, I served the foregoing *Defendant Massachusetts Department of Education's Motion to Amend Scheduling Order to Enlarge, until September 14, 2004, Time Period Within which to File Opposition to Plaintiff's Motion for Leave to Offer Additional Evidence* on both other parties by mailing, by first class mail, postage prepaid, a true copy of the document to each other party's respective counsel of record:

FOR CITY OF CHICOPEE, ACTING THROUGH
THE CHICOPEE PUBLIC SCHOOLS

Claire L. Thompson, Esquire
Doherty, Wallace, Pillsbury
& Murphy, P.C.
One Monarch Place
1414 Main Street, 19th Floor
Springfield, MA 01144

FOR DAVID T. AS PARENT
AND NEXT FRIEND OF KAITLYN T.

Derek M. Beaulieu, Esquire
1242 Main Street, Suite 306
Springfield, MA 01103


James S. Whitcomb